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Clause 19—cont.

and on that application he can dictate his own terms to the zamindar and tell him : 'Here is a case in which we have to incur expenditure from the provincial revenues in resurveying a portion of the estate. If you pay the cost, we shall undertake the survey.' This is a matter more or less between the zamindar and the Government. It is like any transaction in which each party can examine and consult his own interests and enter into it. Therefore, I do not think that the argument that the zamindar will be benefited subsequently will stand any test. It has been further said that there is already provision in clause 19, as it stands, for apportioning the cost between the zamindar and the Government. If I understood the hon. Member aright, that was the argument he advanced, when he said that rules would be prescribed and the cost apportioned according to those rules, and when he said that we should not expect the Government to be so unreasonable as to recover the whole cost and that the provincial revenues would bear a proportion of it. But if we examine closely the wording of the clause, there is nothing in it to indicate that the cost will be borne between the zamindar and the Government when a survey is made under the provisions of sub-clause (*b*) (i)."

At this stage the House adjourned to meet again at 11 a.m. the next day (Friday, the 22nd December 1922).

L. D. SWAMIKANNU,
Secretary to the Legislative Council.

APPENDIX D.

[Vide page 1108 supra.]

MADRAS LEGISLATIVE COUNCIL.

STUDY OF PARLIAMENTARY PROCEDURE BY THE SECRETARY, LEGISLATIVE COUNCIL.

Letter from M.R.Ry. Diwan Bahadur L. D. SWAMIKANNU PILLAI Avargal, I.S.O., Secretary, Madras Legislative Council, to the Secretary to Government, Law (Legislative) Department, dated the 21st August 1922, No. 1669-1-L.C.

I have the honour to state that in pursuance of the orders of Government placing me on deputation in Europe for the purpose of studying parliamentary procedure, I sailed from Colombo on 8th April 1922 by the steamship *Andre Lebon* (Messageries Maritimes), arrived in London on 26th of the same month and, after getting introduced to the Clerk of the House of Commons and to the Speaker and his Secretary, began to attend the House of Commons from the 1st of May ; and I continued to do so, generally on four days of the week, Monday, Tuesday, Wednesday and Thursday, and sometimes also on Friday, which is a short day in Parliament. I attended the House of Commons for the last time on the 7th July 1922 on

which day the President of the Madras Legislative Council, the Hon'ble Diwan Bahadur Sir P. Rajagopala Achariyar, was also with me, he having arrived in London on the 29th of June. Under the instructions of the President I did not attend the House again after 7th July and was permitted by him to leave England in time for the boat sailing from Marseilles on the 28th of July. While I was preparing to leave England in the week following Saturday 8th July, I received from the Lord Chamberlain Their Majesties' gracious command to attend a garden party at Buckingham Palace on the 21st July. I obeyed this command, left London on 22nd July and Marseilles on the 28th by the steamship *Angkor* (Messageries Maritimes) and returned to Colombo on Monday the 14th August and to Madras on the 16th idem, taking charge the same day afternoon. As soon as the President arrives, which should be in the first week of September, I hope to submit a report of the work done by me during the period of my special duty.

Report.

In accordance with G.O. No. 23, Law (Legislative), dated 27th January 1922, placing me on deputation in Europe from April to July 1922, during the recess of the Council, to study the procedure of the House of Commons, I handed over charge of the office of the Secretary, Madras Legislative Council, to M.R.Ry. C. Satagopa Achariyar on the afternoon of 31st March 1922 and embarked at Colombo on board the steamship *Andre Lebon* (Messageries Maritimes) on the 8th April 1922. I reached Marseilles on the 24th April and London on the 26th. As soon as practicable after I had settled down in London, I called on the Under Secretary of State for India (the Right Hon'ble the Earl of Winterton), who introduced me to Lieut.-Col. Verney, Secretary to the Speaker, and to Mr. (now Sir) Lonsdale Webster, Clerk of the House of Commons. Through the courtesy of the Speaker, the Right Hon'ble J. H. Whitley I was permitted to attend the gallery of the House of Commons practically on every day on which the House sat (except Fridays) from 1st May 1922 to 7th July 1922. Between the 22nd May and the 12th June I did not attend the House of Commons because on the 23rd May I was asked by the Hon'ble the President, who had just landed in France to meet him at Marseilles, and then at Royat, to report progress. As the Whitsuntide recess of the House of Commons was to commence at the end of May and to last till the 12th June, the Hon'ble the President permitted me, after my business with him at Royat was over, to travel on the Continent and to resume my attendance at the House of Commons on the reopening day, Monday 12th June, which I accordingly did. The Hon'ble the

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President himself arrived in London on the 27th June, and between that date and the 7th of July I attended the House of Commons several times along with him, and on two of these occasions we had also private interviews with the Speaker at his official residence.

2. On the first day of my attendance at the House of Commons, i.e., on 1st May 1922, I received a ticket from Lieut.-Col. Verney admitting me under the Speaker's orders to what is called the ordinary members' gallery which is the most crowded gallery in the House. I believe Mr. Speaker purposely gave me this opportunity of becoming acquainted with the rules and practice as to the admission of visitors to the ordinary gallery, because on all subsequent days I was accorded, through his kindness, the privilege of a seat in the Distinguished Strangers' gallery, where, I may add, I was often the sole occupant. I naturally resolved to take full advantage of so exceptional a privilege and I usually was in my place in the gallery from 10 minutes to 3 p.m. when the Speaker took the chair till 11 p.m., which is the ordinary hour at which all controversial business in the House of Commons is adjourned for the day. The House usually continues to sit for half an hour longer than 11 p.m. for non-contentious business; and on one or two occasions the Government obtained the leave of the House, in accordance with the Standing Orders, to prolong the sittings beyond midnight in order to expedite the transaction of Government business, and on one such occasion the House rose at 4 a.m.

3. Admission to the ordinary gallery is obtained upon a member's order, but the public may also secure admission by application to the Admission Office at 4-30 p.m. The ordinary members' gallery is capable of accommodating about 60 visitors, but the number applying every day for admission may be anything between 300 and 600. A staff of clerks is maintained for the purpose of regulating the admission of so many visitors; in the first place every visitor takes his or her seat in the Strangers' Entrance Hall (called St. Stephen's Hall, which is lined on both sides with statues of British statesmen) and the first 60 or so are admitted to the gallery after signing their names in a register kept outside the gallery. Whenever there are half a dozen vacancies in the gallery, the fact is telephoned by the clerk in the gallery to the policemen on duty in the waiting room, and out of the number of persons that are waiting, a sufficient number to fill the vacancies is then admitted. I have seen visitors waiting for admission at 10 p.m. and some of them had perhaps been on the waiting list since 3 or 4 p.m. As most visitors are content with a single visit to the House of Commons, the public do not seem to regard this inordinate waiting as an undue sacrifice of time, so long as it affords them an opportunity of witnessing a

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debate in the historic chamber where the process of legislation is actually carried on. No person can secure admission to any gallery, including the Distinguished Strangers' gallery, on the same ticket for a number of days; accordingly Col. Verney used to send to me (and to the Hon'ble the President during the time when he was a visitor to the gallery) four or five tickets for as many days in the week on the Friday preceding each week. I do not think I should have had so much indulgence but for the fact that the Government of Madras had requested the Right Hon'ble the Secretary of State for India and through him the officials of the House of Commons to give me every facility for studying parliamentary procedure.

4. Before dealing with what I was able to witness in regard to the debates actually carried on in the House of Commons, I may state that it was my wish from the beginning to acquaint myself not only with the procedure of the House during its sittings but also with the manner in which the various officials connected with the House of Commons divide among themselves those important duties on the exact fulfilment of which the smooth running of the parliamentary machine very largely depends. In this part of my work I derived every possible help from the frequent interviews I had with the Clerk of the House of Commons, Sir Lonsdale Webster, and the heads of departments under him, namely, (1) the principal clerk of the public bill office, (2) the clerk of the journals, (3) the clerk of the private bill office, (4) the librarian of the House of Commons and (5) chief of all, the editor of the official report of parliamentary debates. The gentleman last referred to, Mr. W. T. Perkins, was particularly kind in furnishing me every day with the printed report of the previous day's proceedings, whereby I was enabled to refresh my memory in regard to points which had escaped my attention while listening to the debates from the gallery. He also gave me full information in regard to the strength of the reporting staff, their duties, turns, salaries, prospects, etc. I am submitting with this report a copy of his memorandum on the subject (page 1 of Enclosure 5).

5. The Clerk of the House of Commons also took me round the various committees which sit upstairs, namely, the Standing Committees A and B (Enclosure 5), to which public bills are referred, and the Select Committees on private bills which take evidence and examine witnesses and hear counsel.

6. The printing of the debates of the House of Commons is done most expeditiously, and copies of the proceedings up to 11 p.m. are not only available to the members between 8 and 9 a.m. the next day, but they may be purchased by the public at any of the offices of His Majesty's Stationery for a shilling. The reporters work by turns as in Madras and they are twelve in number as here, but they

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work in shifts of 20 minutes each up to 8 p.m. and thereafter for 5 minutes each. I believe all the matter for the day's proceedings up to 11 p.m. is delivered to the printer, Mr. Nicholls (whose family I understand have been doing the work for the last 150 years) by 12 midnight. The reports are handed in to the printer without being revised by any one and without being shown to the members for revision of their speeches; but there is a note at the back of each day's official report that before it is included in the regular debates (commonly known as 'Hansard') five days are allowed to members for communicating verbal corrections. I understood that as a matter of fact very few verbal corrections were made or allowed. Owing to the fact that the House sits till at least 11 p.m. every day (except on Fridays), most of the work connected with the printing of the report as well as of the agenda for each day has to be done at night, but of course instalments are also sent to the press during the day as different portions of the matter get ready.

7. Besides the official report, the members also receive every day, what is called the 'vote' (page 1 of Enclosure 4) which is an abstract in two or three pages of the proceedings of the previous day. I have appended to this note a copy of the 'vote' for Wednesday, 10th May 1922. The Clerk of the House compiles the 'vote' while he is seated at the table of the House and transmits it in instalments to the press; and the original notes kept by him are carefully bound and kept for reference. From the daily 'vote', which is treated as a proof, is composed the final record of the proceedings of the House called the 'Journal' which is printed at the end of every session. Sir Lonsdale Webster has kindly promised to send me the Journal of the House for each session as it is published. I was told that the 'Journal' and not 'Hansard' is the official record of the proceedings. In Madras also a manuscript journal was kept for many years in the Legislative Council and it used to be compiled from notes made by the Secretary at the meetings of the Council; but some eight years ago the journal was, by leave of the House (vide extract of Council Proceedings, dated 21st November 1914), discontinued since it was considered that the printed proceedings of the House were a sufficient record. I am not sure whether it may not be good to revive the journal and issue it in print every day to members.

8. While attending the debates in the House of Commons, my attention was mainly confined to that portion of the business which in the Standing Orders of the House is called 'public business', namely, Government business, including Government Bills, supply, ways and means, public Bills other than Government Bills, and motions by members, including motions for adjournment of the House on matters of urgent public importance. The private

business of the House of Commons is very technical and moreover it has hardly any parallel in the legislatures of this country and no object would have been served by my attempting to study its numerous details. It will be seen from any volume of the official reports of the House that the House ordinarily meets, after prayers, at a quarter to 3 p.m. when the Speaker is generally in the chair and that the first few minutes are devoted to unopposed private business. Questions and answers take up from 3 o'clock till 4 p.m., which time is known as the commencement of public business. On Fridays as a rule no oral answers are delivered, but attempts are occasionally made to get the Speaker to alter the rule on this subject which allows only written answers on Fridays. On Fridays the House sits from 11 a.m. to 4 or 5 p.m.

9. I submit with this note a file of the agenda papers (Enclosure 4) of the House of Commons (commonly called 'Orders of the day') for most of the days when I attended the House, from the 3rd May to the 7th July. The questions for oral answers vary in number from day to day, but there were not many days on which they reached 100. Questions to which oral answers are required are starred by the members asking them and generally not more than two days' notice is given to the Minister who has to answer a question; but I must also say that as a very general rule the questions refer to matters within the immediate knowledge of the Minister questioned and a member is not allowed to ask more than eight questions for oral answer. Questions were asked occasionally about individual cases of hardship, but these cases apparently had been already brought to the notice of the Government; at any rate the Ministers did not seem to experience any difficulty in obtaining the necessary particulars before furnishing answers to such questions.

10. Questions in the House of Commons are arranged, not as in Madras in the alphabetical order of the names of the members asking them, but in the order of the subjects dealt with. The outer cover of each day's official report mentions as a rule only three or four heads under which all the questions fall; and it is thus a comparatively easy matter to trace any particular question in the official reports, whereas in Madras questions bearing on the same subject may be asked by five or six different members and may have to be looked up in five or six different parts of the same day's report. It would at the same time be more convenient to the Members of Government and to Ministers if questions in Madras were arranged in the order of the Ministers or Members of Government who have to answer them.

11. The Rules and Standing Orders of the Indian Legislatures on the subject of questions are presumably based on the practice of the House of Commons; but there are differences in practice between the system enforced by the Rules and Standing Orders obtaining in

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this Presidency and that which any one may witness in the House of Commons. For instance the rule that questions may be asked with a view to obtaining information is interpreted in Madras to mean that no questions should be asked containing a suggestion or a request that the Government should adopt a particular line of action. In the House of Commons, however, questions in one of the following forms are repeatedly asked :—

"Can any steps be taken to ensure that all money loans to the Indian Government are spent in English firms?"

"What steps are to be taken in India to repress the dissemination of seditious matter?"

"To ask the Secretary of State for India if he will, when apportioning the orders for locomotives for the Indian State Railways, take into consideration the products of the State Factory at Woolwich";

"To ask the Secretary of State for War whether he will see that all officers who are being compulsorily retired shall be given every possible chance of getting other employment";

"To ask the Secretary of State for War whether he can arrange for return passages to this country for the wives and children of the Second Battalion of Royal Highlanders", etc.

In fact Sir T. E. May himself lays down at page 221 of '*Parliamentary Practice*': "Within these lines an explanation can be sought regarding the intentions of the Government, but not an expression of their opinion upon matters of policy."

12. Another difference in practice between questions in the House of Commons and questions in the Madras Legislature is that considerable freedom is allowed to members in the House of Commons in framing supplemental questions; please see for instance question No. 59 regarding the British Cellulose Company—2nd May 1922, page 1171 of the Official Report (Enclosure 1); where six different members put supplemental questions and finally the Speaker refused to allow the debate to be carried on further.

13. The manner in which questions are taken up for answer in the House of Commons is different from that in use in Madras. The Speaker there calls on each member who has given notice of a question, by name and if the member is in his place he rises and reads out the number of his question thus "question No. 29 as printed on the paper", unless he wishes to change the question, which he is allowed to do, in regard to some matter of detail. This method of calling upon every member to read out the number of his question is adopted apparently to ensure that the member asking a question which is about to be answered is really in his place; if he is not in his place and fails to answer the Speaker's call, the Speaker passes on to the next member whose name is in the list of questions.

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If on the other hand a *Minister* is not in his place at the time when a question is called, and comes into the House later, the question is repeated, and the answer is given after question time, i.e., after a quarter to four. If the Minister who has to answer a question is in his place when it is called, he generally reads out the answer from a manuscript in his hand and then waits for supplemental questions which he proceeds to answer, of course without any assistance from his paper. Unstarred questions, to which oral answers are not required, are answered in writing and the answers are embodied in the official reports. Questions on urgent matters may be asked without notice after question time but always with the leave of the Speaker previously obtained, and then they are answered on the spot by the Minister responsible.

14. On most of the days when I attended the House of Commons the House was in 'Committee of Supply' or was engaged in 'ways and means' or was passing the several clauses of the Finance Bill. Twenty days are allotted every year for the discussion of the budget in Committee of Supply; and on these days the discussion goes on for practically the whole day, except once or twice a week when private business is taken up at 8 p.m. The points discussed in Committee of Supply were generally questions of policy which were raised nominally in connexion with some motion for the reduction of a vote by a trifling amount. The points were generally those agreed upon previously between the Whips of the opposite sides. On other occasions, when a member got up and wanted an opportunity to discuss a particular question, the Minister would say that an opportunity would be given when a particular vote in the budget to which the question was pertinent would come up for discussion. Matters corresponding to those discussed in resolutions of the Madras Legislative Council were brought up in the House of Commons in connexion with some vote or other in the budget and the waste of public time entailed in Madras by members raising an identical debate first in connexion with the budget and afterwards as a resolution was thus avoided.

15. Members speaking on motions, whether in the Committee of Supply or in a regular sitting of the House, are not subjected as a rule to limitations of time; and I noticed that most of the speeches rather exceeded than fell short of half an hour in length. It was very often the case that a single point raised in connexion with a vote was discussed from 4 o'clock in the afternoon till 11 p.m. but the number of speeches made did not perhaps exceed ten or twelve. Of course the Speaker has to exercise his discretion and tact to the fullest measure in giving an opportunity to all parts of the House to express their views upon every question in debate and I very seldom saw a closure applied except at the very end of the day, and

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then it was meant to bring on a division before the House was adjourned.

16. Examples of motions corresponding to what are called 'resolutions' in the Madras Legislative Council will be found at pages 23 to 27 of the agenda for 11th May (Enclosure 4). Very few of these motions, however, were actually taken up; and from time to time the members who had given notice of such motions used to ask for an opportunity and would be told that the Government would endeavour to find an opportunity in some other manner. When there is a chance of motions of this kind being taken up at the time appointed, the members generally ballot for priority of motions; but very often such motions had to give way to private business of a more urgent nature.

17. *Bills*.—The three readings of a Bill in the House of Commons are well known; but the chief point of difference in procedure between our Legislative Councils and the House of Commons is in references to committees. In the House of Commons a large Standing Committee of forty or fifty members takes the place of the 'Select Committee' which in India considers a Bill; while the Select Committee in the House of Commons is generally appointed only when it is necessary to take evidence or examine witnesses. The procedure in the Standing Committee is very much like the procedure in the House of Commons, as will be seen from the sample official report of the Standing Committee (one of the papers in Enclosure 2) which I have put up below. Owing to the fact that Bills are very carefully thrashed out 'upstairs', that is to say, in the Standing Committee, even very long Bills do not appear to take much time to pass through the House of Commons. I witnessed one such instance in regard to the very important and very complicated Law of Property Bill (Enclosure 3), a Bill which was more than 200 pages in length but which after consideration by the Standing Committee was disposed of by the House in the course of two or three sittings. The consideration of a Bill to which numerous amendments have been proposed is further expedited in the House of Commons in modern times by the power vested in the Speaker or Chairman to select the order in which the amendments are to be taken up for discussion.

18. In addition to the ordinary business of the House I had opportunities of witnessing certain ceremonies of historical interest, e.g., the summoning of the House by Black Rod, the procession of the Speaker to the House of Lords to receive the Royal assent to certain Bills, the ceremony of the swearing in of new members, the ceremony of a private member introducing a Bill, the familiar ceremony which is observed whenever the House divides upon a question, etc.

NOTE.—The enclosures to the report are not printed and can be had for reference from the office of the Secretary, Legislative Council.